

THE CAMDEN JOURNAL.

BY ROBERT M'KNIGHT.

Publisher of the Laws of the United States.

Edited by JOHN C. WEST.

VOL. XI.

CAMDEN, SOUTH-CAROLINA, AUGUST 27, 1836.

NO. 31.

THE CAMDEN JOURNAL.

Published every Saturday Morning by
ROBERT M'KNIGHT,
PUBLISHER OF THE LAWS OF THE UNION

SUBSCRIPTIONS

Three dollars a year in advance, or four dollars at the end of the year.

ADVERTISEMENTS

Inserted at seventy five cents the square for the first, and half that amount for each continuance—

The number of insertions to be marked on the margin or they will be continued and charged accordingly. Those inserted semi-monthly 75 cents and monthly \$1 a square for each insertion.

Communications by mail to be post paid or remain unattended to.



[BY AUTHORITY.]

LAW OF THE UNITED STATES PASSED AT THE TWENTY FOURTH CONGRESS FIRST SESSION.

[Public—No. 65.]

AN ACT to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the revenues arising in the Post Office Department, and all debts due to the same, shall, when collected, be paid, under the direction of the Postmaster General, into the Treasury of the United States.

Sec. 2. And be it further enacted, That the Postmaster General shall submit to Congress at the next, and each succeeding annual session, specific estimates of the sums of money expected to be required for the service of the Department in the subsequent year, commencing on the first day of July, under the following heads, viz: "Compensation of postmaster," "Transportation of the mails," "Ship, steamboat, and way letters," "Wrapping paper," "Office furniture," "Advertising," "Mail bags," "Blanks," "Mail locks, keys and stamps," "Mail deprecations, and special agents," "Clerks, for offices," and "Miscellaneous." And the Postmaster General shall render an account to Congress, at each succeeding annual session, of the amounts actually expended for each of the purposes above specified.

Sec. 3. And be it further enacted, That the aggregate sum required "for the service of the Post Office Department," in each year, shall be appropriated by law out of the revenue of the Department, and that all payments of the receipts of the Post Office Department into the Treasury, shall be to the credit of the said appropriation.

Sec. 4. And be it further enacted, That the sums appropriated for the service aforesaid shall be paid by the Treasurer in the manner herein directed: *Provided*, That the compensation of postmasters, the expenses of post offices, and such other expenses of the department for which appropriations have been made, as may be incurred by postmasters, may be deducted out of the proceeds of their offices, under the direction of the Postmaster General: *And provided, also*, That all charges against the Department by postmasters, on account of such expenses, shall be submitted for examination and settlement, to the auditor herein provided for; and that no such deduction, shall be valid, unless the expenditure so deducted, be found to have been made in conformity to law. *And provided, also*, That the Postmaster General shall have power to transfer debts due on account of the Department, by postmasters and others, in satisfaction of the legal demands for which appropriations have been made, of such contractors who may be creditors of the Department, as shall have given bonds, with security, to refund any moneys that may come into their hands over and above the amount which may be found due to them on the settlement of their accounts.

Sec. 5. And be it further enacted, That the Treasurer of the United States shall give receipts for all moneys received by him to the credit of the appropriation for the service of the Post Office Department; which receipts shall be endorsed upon warrants drawn by the Postmaster General, and without such warrant, no acknowledgment for money received as aforesaid shall be valid.

Sec. 6. And be it further enacted, That the appropriations for the service of the Post Office Department shall be disbursed by the Treasurer out of the moneys paid into the Treasury for the service of the Post Office Department, upon the warrants of the Postmaster General, registered and countersigned as herein provided, and expressed on their faces the appropriation to which they should be charged.

Sec. 7. And be it further enacted, That the Treasurer shall render his accounts of the moneys received and paid by him on

account of the Post Office Department, quarterly to the Auditor for the Post Office Department, hereinafter provided for, and shall transmit copies of the same, when adjusted by him, to the two Houses of Congress.

Sec. 8. And be it further enacted, That there shall be appointed by the President, with the consent of the Senate, an Auditor of the Treasury for the Post Office Department whose duty it shall be to receive all accounts arising in the said Department, or relative thereto, to audit and settle the same, and certify their balances to the Postmaster General: *Provided*, That if either the Postmaster General, or any person whose account shall be settled, be dissatisfied therewith, he may within twelve months appeal to the First Comptroller of the Treasury, whose decision shall be final and conclusive. The said auditor shall report to the Postmaster General when required, the official forms of papers to be used by postmasters and other officers or agents of the Department concerned in its receipts and payments, and the manner and form of keeping and stating its accounts. He shall keep and preserve all accounts, with the vouchers, after settlement. He shall promptly report to the Postmaster General all delinquencies of postmasters in paying over the proceeds of their offices. He shall close the accounts of the Department quarterly, and transmit to the Secretary of the Treasury quarterly statements of its receipts and expenditures. He shall register, charge and countersign, all warrants upon the Treasury for receipts and payments issued by the Postmaster General, when warranted by law. He shall perform such other duties in relation to the financial concerns of the Department, as shall be assigned to him by the Secretary of the Treasury, and shall make to them respectively, such reports as either of them may require respecting the same. The said auditor may frank, and receive, free of postage, letters and packets under the regulations provided by law for other officers of the Government. And all letters and packets to and from the Chief Engineer which may relate to the business of his office shall be free of postage.

Sec. 9. And be it further enacted, That it shall be the duty of the Postmaster General to decide on the official forms of all papers to be used by postmasters, and other officers or agents of the Post Office Department, concerned in its receipts and payments, and the manner and form of keeping and stating its accounts, to enforce the prompt rendition of the returns of postmasters, and of all certificates, acknowledgments, receipts, and other papers, by postmasters and contractors, relative to the accounts of the Department; to control, according to law, and subject to the settlement of the auditor, the allowances to postmasters, the expenses of post offices, and all other expenses incident to the service of the Department; to regulate and direct the payment of the said allowances and expenses for which appropriations have been made; to superintend the disposition of the proceeds of post offices and other moneys of the Department; to prescribe the manner in which postmasters shall pay over their balances; to grant warrants for money to be paid into the Treasury, and out of the same, in pursuance of appropriations by law, to persons to whom the same shall be certified to be due by the said auditor: *Provided*, That advances of necessary sums to defray expenses may be made by the Postmaster General to agents of the Department employed to investigate mail deprecations, examine post routes and post offices, and perform other like services, to be charged by the auditor for the Post Office Department, and be accounted for in the settlement of their accounts.

Sec. 10. And be it further enacted, That the auditor for the Post Office Department shall state and certify, quarterly, to the Postmaster General, accounts of the moneys paid pursuant to appropriations, in each year, by postmasters, out of the proceeds of their offices, towards the expenses of the Department, under each of the heads of the said expenses specified in the second section of this act; upon which the Postmaster General shall issue warrants to the Treasurer of the United States, as in case of the receipt and payment of the said moneys into and out of the Treasury, in order that the same may be carried to the credit and debt of the appropriation for the service of the Post Office Department, on the books of the auditor for said Department.

Sec. 11. And be it further enacted, That the Postmaster General shall, within sixty days after the making of any contract, cause a duplicate thereof to be lodged in the office of the auditor of the Post Office Department. Upon the death, resignation, or removal of any postmaster, he shall cause his bond of office to be delivered to the said auditor; and shall also cause to be promptly certified to him all establishments and discontinuance of post offices, and all appointments, deaths, resignations and removals of postmasters, together with all orders and regulations which may originate a claim, or in any manner affect the accounts of the Department.

Sec. 12. And be it further enacted, That

the accounts of the Post Office Department shall be kept in such manner as to exhibit the amount of its revenues, derived respectively from "letter postages," "newspapers and pamphlets," and "fines;" and the amount of its expenditures for each of the following objects, namely: "compensation of postmasters," "transportation of the mails," "ship, steamboat and way letters," "wrapping paper," "office furniture," "advertising," "mail bags," "blanks, mail locks, keys and stamps," "mail deprecations and special agents," "clerks for offices," and "miscellaneous."

Sec. 13. And be it further enacted, That the bonds and contracts of postmasters, mail contractors and other agents of the Post Office Department, shall hereafter be made to and with the United States of America; and all suits to be commenced for the recovery of debts or balances due by postmasters and others, or upon bonds or contracts made to or with the present or any former Postmaster General, or for any fines, penalties or forfeitures, imposed by the laws respecting the Post Office Department, or by the Postmaster General, pursuant thereto, shall be instituted in the name of the United States of America, and the demands in such suits shall have all the privileges and priorities in adjudication and payment secured to other claims of the United States, by the existing laws. *Provided*, That actions and suits which may have been instituted in the name of the Postmaster General, previous to the passage of this act, shall not be affected by the provisions of this section.

Sec. 14. And be it further enacted, That the auditor of the Post Office Department shall superintend the collection of all debts due to the Department, shall superintend the collection of all debts due to the Department, and all penalties and forfeitures imposed on postmasters, for failing to make returns, or pay over the proceeds of their offices; he shall direct suits and legal proceedings, and take all such measures as may be authorized by law, to enforce the prompt payment of moneys due to the Department.

Sec. 15. And be it further enacted, That copies of the quarterly returns of postmasters, and of any papers pertaining to the accounts in the office of the auditor for the Post Office Department, certified by him, under his seal of office, shall be admitted as evidence in the courts of the United States; and in every case of delinquency of any postmaster or contractor, in which suit may be brought, the said auditor shall forward to the attorney of the United States certified copies of all papers in his office, tending to sustain the claim; and in every such case, a statement of the account, certified as aforesaid, shall be admitted as evidence, and the court trying the cause shall be thereupon authorized to give judgment and award execution, subject to the provisions of the thirty-eighth section of the act to reduce into one the several acts establishing and regulating the Post Office Department, approved March third, eighteen hundred and twenty-five. No claim for a credit shall be allowed upon the trial but such as shall have been presented to the said auditor, and by him disallowed in whole or in part, unless it shall be proved to the satisfaction of the court that the defendant is at the time of the trial in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting to the said auditor a claim for such credit, by some unavoidable accident. In suits for balances due from postmasters, interest at the rate of six per cent. per annum, shall be recovered from the time of the default until payment.

Sec. 16. And be it further enacted, That the attorneys of the United States, in the prosecution of suits for moneys due on account of the Post Office Department, shall obey the directions which may, from time to time, be given to them by the auditor for the Post Office Department; and it shall be the duty of each of the said attorneys, immediately after the end of every term of any court in which any of the suits aforesaid shall have been pending, to forward to the said auditor a statement of all the judgments, orders, and steps which have been made or taken in the same, during the said term, accompanied by a certificate of the clerk, showing the parties to, and amount of each judgment, with such other information as may be required by the said auditor. The said attorneys shall direct speedy and effectual process of execution upon the said judgments; and it shall be the duty of the marshals of the United States to whom the same shall be directed, to make to the said auditor, at such times as he may direct returns of the proceedings which have taken place upon the said process of execution.

Sec. 17. And be it further enacted, That in all cases where any sum or sums of money have been paid out of the funds of the Post Office Department to any individual or individuals, under pretence that service has been performed therefor when in fact such service has not been performed, or by way of additional allowance for increased service actually rendered, when the additional allowance exceeds the sum which, by the provisions of law, might rightfully have been allowed therefor, and in all other cases where the moneys of the Department have been paid over to any person, in consequence of fraudulent representations, or by the mistake, collusion, or misconduct of any officer or clerk of the Department, it shall be the duty of the Postmaster General to cause suit to be brought in the name of the United States of America, to

recover back the same, or the excess, as the case may be, with interest thereon.

Sec. 18. And be it further enacted, That the auditor for the Post Office Department shall adjust and settle all balances due from postmasters on account of transactions prior to the first day of July, eighteen hundred and thirty-six. He shall, when necessary, institute suits for the same, and cause them to be effectually prosecuted to judgment and execution; and in cases in which proceedings at law for these or any other balances that are or may become due on account of the Post Office Department, have been or shall be fruitless, may direct the institution of suits in chancery, to set aside fraudulent conveyances or trusts, or attach debts due to the defendants, or obtain any other proper exercise of the powers of equity, to have satisfaction of the said judgments; and the courts of the United States, sitting in chancery, shall have jurisdiction to entertain such bills, and make such decrees and orders thereupon as may be consonant to the principles and usages of equity. The said auditor shall report to the Postmaster General, to be by him submitted to Congress, at its next annual session, a statement of all the balances and debts due to the Post Office Department as aforesaid, by late postmasters, showing, in each case, the name and office of the principal debtor, the names of the sureties, if any, the amount of the debt, the time at which it accrued, the steps taken to collect the same, and whether they have been successful or not. The said statement shall also classify such of the said balances as may then remain due, into such as are considered collectible, and such as are not, with the whole amount of each class.

Sec. 19. And be it further enacted, That the auditor for the Post Office Department, or any mayor of a city, justice of the peace, or judge of any court of record in the United States, by him especially designated, shall be authorized to administer oaths and affirmations, in relation to the examination and settlement of the accounts committed to his charge; and if any person shall knowingly swear or affirm falsely, touching the expenditures of the Post Office Department, or in relation to any account of or claim against, or in favor of, the said Department, he or she shall, upon conviction thereof, suffer as for wilful and corrupt perjury.

Sec. 20. And be it further enacted, That there shall be employed by the Postmaster General, a third Assistant Postmaster General who may receive and send letters and packages free of postage; and in lieu of the clerks now employed in the Department, one chief clerk, three principal clerks, and thirty-three other clerks, one messenger, and three assistant messengers, and two watchmen.

Sec. 21. And be it further enacted, That there shall be employed by the Secretary of the Treasury, in the office of the auditor for the Post Office Department one chief clerk, four principal clerks, and thirty-eight other clerks, one messenger, and one assistant messenger, also three clerks one at a salary of fourteen hundred dollars per annum, one at a salary of twelve hundred dollars and one at a salary of one thousand dollars, in the office of the Treasurer of the United States, in lieu of the same number of the clerks now employed in the office of the Fifth Auditor of the Treasury, in adjusting the accounts of the Post Office Department.

Sec. 22. And be it further enacted, That it shall be the duty of the Postmaster General to make to Congress at each annual session thereof, the following several reports:

First. A report of all contracts made for the transportation of the mail within the preceding year, stating in each case of contract its date and duration, the name of the contractor, the route or routes embraced in the contract, with the length of each, with the times of arrival and departure at the ends of each route, the mode of transportation contracted for, and the prices stipulated to be paid by the Department; also a statement of such land and water mails as may have been established or ordered by the Department within the year preceding, other than those let to contract at the annual lettings of mail contracts, specifying in each case the route or water course on which the mail is established, the name of the person employed to transport it, the mode of transportation, the amount paid or to be paid, and the proposed duration of the order or contract.

Second. A report of all allowances made to contractors within the year preceding, beyond the sums originally stipulated in their respective contracts, and the reasons for the same; and of all orders made by the Department, whereby additional expenses is, or will be incurred, beyond the original contract price on any land or water route, specifying, in each case the route to which the order relates, the name of the contractor, the original service provided by the contract, the original price, the date of the order for additional service, the additional service required, and the additional allowance therefor, also, a report of all curtailments of expenses effected by the Department within the preceding year, specifying, in each case, the same particulars as required in cases of additional allowances.

Third. A report of all incidental expenses of the Department for the year ending

on the thirtieth day of June preceding arranged according to their several objects as for "wrapping paper," "office furniture," "advertising," "mail bags," "blanks," "mail locks, keys, and stamps," "mail deprecations, and special agents," clerks for offices," "miscellaneous," showing the sum paid under each head of expenditure and the names of the persons to whom paid, except only that the names of persons employed in detecting deprecations on the mail, and other confidential agents need not be disclosed in said report.

Fourth. A report of the finances of the Post Office Department for the year ending on the thirtieth day of June preceding, showing the whole amount of balances due to the Department at the beginning of the year, from postmasters and all others, the whole amount of postage that accrued within the year, the whole amount of the engagements and liabilities of the Department for mail transportation during the year, the amount actually paid during the year, for and on account of mail transportation, and otherwise, stating separately, so much of the said amount as may have been paid on account of the transportation of the mail, and for other debts for the same object, in preceding years.

Fifth. A report of all fines imposed, and deductions from the pay of contractors made during the preceding year, for failure to deliver the mail, or for any other cause stating the names of the delinquent contractors, the nature of the delinquency, the route on which it occurred the time when the fine was imposed, and whether the fine has been remitted, or order for deduction rescinded, and for what reason.

Sec. 23. And be it further enacted, That it shall be the duty of the Postmaster General, before advertising for proposals for the transportation of the mail, to form the best judgment practicable as to the mode, time, and frequency of transportation on each route, and to advertise accordingly. No consolidated or combination bid shall be received, and no additional compensation shall be made to any mail contractor, so as that the compensation for additional regular service shall exceed the exact proportion which the original compensation bears to the original services stipulated to be formed; and no extra allowance shall be made to any contractor, by the Postmaster General, for an increase of expedition in the transportation of the mail, unless thereby the employment of additional stock or carriers, by the contractor, shall be rendered necessary; and, in such case, the additional compensation shall never bear a greater proportion to the additional stock or carriers rendered necessary, than the sum stipulated in the original contract bears to the stock and carriers necessarily employed in its execution, and when any extra service shall be ordered, the amount of the allowance therefor, in dollars and cents, shall be signified in the order for such service, and be forthwith entered upon the books of the Post Office Department, and no additional compensation shall be paid for any extra regular service rendered before the issuing of such order, and the making of such entry, and every order entry, or memorandum whatever, on which any action of the Department is to be had, allowance made, or money paid, and every contract, paper or obligation drawn up in said office, by any officer thereof, shall have affixed to its true date; and every paper relating to contracts or allowances filed in said office, shall have the date of its filing endorsed thereon. And whenever it shall become necessary to change the terms of an existing contract in any other manner than that designated in this act, or to enter into a contract for the transportation of the mail at any other time than at the annual letting, the Postmaster General shall give notice in one newspaper published at Washington City, and in one newspaper published as near as may be to the route on which the services are to be performed for at least four weeks before changing or making such contract, inviting proposals therefor; which proposals shall be received and opened, and such proceedings thereon had in all things, as at the annual lettings: *Provided, however*, That the Postmaster General may make temporary contracts until a regular letting can take place.

Sec. 24. And be it further enacted, That proposals for mail contracts shall be delivered to the Department sealed, and shall be kept sealed, until the biddings are closed, and shall then be opened and marked in the presence of the Postmaster General, and one of the Assistant Postmasters General, or in the presence of two of the Assistant Postmasters General. And the contracts in all cases shall be awarded to the lowest bidder, except when his bid is not more than five per centum below that of the last contractor, on the route bid for, who shall have faithfully performed his contract. *Provided however*, That the Postmaster General shall not be found to consider the bid of any person who shall have wilfully or negligently failed to execute or perform a prior contract.

Sec. 25. And be it further enacted, That it shall be the duty of the Postmaster General to have recorded in a well